Passed
B. S.

Secrt. II-15—78,406—3-11-53

June (1954) Department.

R SERIES.

G.O No. 3894

Dated 30.12.54

FOR MYSORE STATE

[Despatch Abstract.]

Prisoners — Remission of sentence

C. J. Cornelius — Convict No. 7266

Melepanoli Velayudhan Nair — Pali — Kozhi

(2)

12454/H
21

From

C. Parukutty Amma,
Mele panoth House,
Karikad Desom, Trikkalangode Amsom,
P.O. Trikkalangode. (Via) Manjeri.

To

The Minister of Laws,
Government of Madras.

Through,

The Inspector General of Prisons,
Madras.

MINISTER FOR FINANCE
17 SEP 1954
GOVT. OF MADRAS

Honoured Sir,

ASSISTANT SECRETARY TO GOVERNMENT
21 SEP 1954
HOME DEPARTMENT

Sub: Convict Prisoner- Velayudhan Nair, C.No.7266- Transportation for Life- Release- Sanction Order- Request of.

I, the undersigned, with due respect, beg to submit the following grievances through this petition for your sympathetic consideration and for favourable orders.

I beg to state that my eldest son, Mr. Velayudhan Nair has been charged for a murder case and has been convicted to transportation for life sentence and he is now at 'Central Jail', Cannannore, having completed more than seven years of his sentence. He is the only earning member of our family consisting of a poor, aged mother and two sisters. Besides I beg to state that my husband had passed away in his (my sons) childhood. Thus, we beg to inform you that there is no one to look after us now and we have no shelter or any kind of earning members in our family.

Under the above mentioned circumstances, we, the aged mother and sisters beg to kneel before your honour, and plead that you may kindly be pleased to consider this humble petition sympathetically and to release my son at an early date, by the mercy of your honour.

And thus we hope that your honour help this poor and helpless family.

Submitted with kind regard,

We beg to remain,
Honoured Sir,
Yours sincerely,

1. [illegible]
2. [illegible]
3. [illegible]

Manjeri,
14.9.54.

Home Dept.

C. no. 124547-A Ch IV/54 | Memo no. 124547-A ch IV/54-1 dt 29.9.54.

Prisoners. Remission of Sentence.

C.J. Cannanore. Convict no. 7266 Velayudhan Nair.

Ref: Petition from Smt C. Parukutty Amma d. 14.9.54.

A copy of the petition cited is forwarded to the I.G. of Prisons, Madras, for remarks. He is requested to obtain and forward to Govt a copy of the Remission Sheet/ Nominal roll, a copy of the Adv. Board working and copies of judgments of the lower and the appellate courts relating to the prisoner referred to above.

2. The I.G. is also requested to quote the previous orders of the Govt, if any, in which his case was previously considered.

By Order,

Section Officer.

The I.G. of Prisons, Madras.
(with a copy of D.O.)
No remarks

C.F. 32 ~ —70,10,555 —3.—1.—54.

Jail Department

From (Name) Sri T.S.Ramachandran, I.C.S.,
Designation Inspector General of Prisons,
Station Madras.1.

Received ——— Registered ———

To

The Secretary to Government,
Home Department,
Madras.

ASSISTANT SECRETARY TO GOVERNMENT HOME DEPARTMENT 7-12-54

Enclosures

No. 3910/S4/54, Date DEC 1954 195

Sir,

SUB: Remission of sentence - Central Jail, Cannanore - C.No.7266, Velayudhan Nair - petition from Srimathi C. Parukutty Amma dated 14-9-54 - Records - Submitted.

15918/9.12

REF: Home Department Memorandum No.124547-A Courts IV/54-1, dated 28-9-54.

*****

With reference to the Government Memorandum cited, I submit herewith the following records relating to the above prisoner for favour of disposal.

1. Petition of Srimathi C.parukutty Amma dated 14-9-54 addressed to the Hon'ble Minister of Law, Madras.
2. Nominal roll.
3. Advisory Board Working Sheet.
4. Report of the District ProbationOfficer.
5. Report of the District Superintendent of Police, Malabar at Kozhikode.
6. Judgment in S.C.No.55/47 on the file of the Sessions Judge, South Malabar.
7. Judgment in C.A.No.31/48 on the file of the High Court, Madras.
8. The conviction should only have been under Sec.201 I.P.C. as found by 3 out of 4 assessors with a maximum sentence of seven years. As this has been undergone and the District Superintendent of Police recommends release, he may be released at once. He was only 19 when he was convicted.

INSPR. GENL. OF PRISONS.

Encls:

Copy to the Superintendent, Central Jail, Cannanore.

TMS/8-12-54.

No. 3910/54/Sh. -1

From

C. Parukutty Amma,
Mele panoth House,
Karikad Desom, Trikkalangode Amsom,
P.O. Trikkalangode. (Via) Manjeri.

15 SEP 1954

To

The Minister of Laws,
Government of Madras.

Through,
The Inspector General of Prisons,
Madras.

Honoured Sir,

Sub: Convict Prisoner- Velayudhan Nair, C.No.7266- Transportation for Life- Release- Sanction Order- Request of.

I, the undersigned, with due respect, beg to submit the following grievances through this petition for your sympathetic consideration and for favourable orders.

I beg to state that my eldest son, Mr. Velayudhan Nair has been charged for a murder case and has been convicted to transportation for life sentence and he is now at 'Central Jail', Cannannore, having completed more than seven years of his sentence. He is the only earning member of our family consisting of a poor, aged mother and two sisters. Besides I beg to state that my husband had passed away in his (my sons) childhood. Thus, we beg to inform you that there is no one to look after us now and we have no shelter or any kind of earning members in our family.

Under the above mentioned circumstances, we, the aged mother and sisters beg to kneel before your honour, and plead that you may kindly be pleased to consider this humble petition sympathetically and to release my son at an early date, by the mercy of your honour.

And thus we hope that your honour help this poor and helpless family.

Submitted with kind regard,

We beg to remain,
Honoured Sir,
Yours sincerely,

1. പാറുക്കുട്ടിയമ്മ
2. ദേവകിയമ്മ
3. മാധവിയമ്മ

Manjeri,
14 - 9 - 54.

(true copy forwarded to I.G. of Prisons separately)

FORM No. 52. (*See* Rule 879, Part I of Vol. II, M.P. and R.M.) Judl. (Jail II)-M.

NOMINAL ROLL OF MALE* CONVICT No. 7266 † A

Name Melaparath Velayudhan Nair s/o Dhamodaran Nambiar

Residence (Village, Taluk and District.) Kanikadi; Trikkalangode; Ernad; S. Malabar

Caste Hindu. Present age 26 years. Occupation Merchant

Section and Code under which imprisoned. Sec 302 IPC.

Original sentence of order and date. Death A 22-12-47

Adjudicating Court and Calendar number of case. Sessions Judge; S. Malabar, S.C. 55/47

Unexpired term of sentence after deducting remission earned. 8 year(s) 2 Month(s) 28 Day(s).

Present state of health and fitness to undertake a journey.‡ IH

11,156—29-5-51.

Result of appeal (if any) Reduced to transportation for life in R.T. 13/48 C.P. 31/48 D/ 16-3-48 Leg High Court, Madras

Conduct in Jail Good

Personal and descriptive marks: 1) Mole ½" apart on r of left shoulder
2) Mole 3" from left nipple at 8 o'clock.

Remarks Class - C - Dist. Rec., Sdn. A

Remission earned 1821 days

* Strike out and add "Female" when necessary.

† After the Prisoner's number, add his class A or B, according as he is classed as a Casual (and whether Star) or Habitual, respectively, and after the letter, add the number of previous convictions, thus—No. 3742 B-2.

‡ When a journey is about to be undertaken by a prisoner, the roll is to be signed by the Medical Officer.

§ Personal and descriptive marks are to be given when (1) rolls accompany prisoners transferred. (2) police assistance is sought for the recapture of an escaped prisoner (Rule 549, Part I of Vol. II, M.P. and R.M.)

Cannanore Central Jail, 23. 9. 1947

21 - 12 - 67
23 - 9 - 1947
28. 2. 13
28. 2. 8

1821 (4
1460
361

Superintendent.

ADVISORY BOARD WORKING SHEET OF CONVICT NO.7266 M.VELAYUDHAN NAIR.

Sentence	..	20 years.
Date of sentence.	..	22 - 12- 47
Add 2/3 sentence	..	4- 13
		21 - 4- 61

Remission earned excluding special remissions as per G.O.Ms.No.149 Home Dated 20-1-54 - 546 days and likely to earn at the rate of 6 days per month and G.C.P. 357 days - total 903 days or — 23 - 5- 2

29 - 10- 58

Superintendent,
Central Jail, Cannanore.

Date of release of Convict No.7266 M.Velayudhan Nair in the normal course

Date of sentence	...	22 -12- 47
Sentence	...	20 years.
Date of release.	...	21 -12- 67

Remission earned 1821 days and likely to earn @ 6 days per month and G.C.P.-585 days total 2406 days or — 6 - 7- 6

15 - 5- 61

Superintendent,
Central Jail, Cannanore.

mvr/23-9.

Copy of letter No.Ref.S/54, from the Dist. Probation Officer, Kozhikode to the Chief Probation Superintendent, dated 23-11-1954.

--

Sir,

Sub: Prisoners--Revision of sentence--Central Jail Cannanore--Convict 7266--Velayudhan Nair--Petition for C. Parukutty Amma--Report on home conditions etc., -- submitted.

Ref: Your No.74/P-1/54 dated 14-10-54.

--

The Petitioner Mele Panath Parukutty Amma, mother of the above convict Velayudhan Nair, and her daughter Devaki Amma with two little children are living in her own thatched house with a parambu in Trikkulangode amsam Karikkad desam Ernad Taluk. Devaki Amma had a husband - one Krishna Nair who divorced her 4 years ago and she is at present working during day time as a servant in Palissen Illam. The petitioner's second daughter Madhavi Amma is living with her husband Madhavan Nair, an agricultural labourer, in a rented house in the same village and she is employed in a Match Factory in Manjeri. The Petitioner, besides attending to household work, looks after her 3 cows and 5 goats. She has an yearly income of about Rs.150/- from the parambu (pepper, Cashew nuts etc.,)

The convict has thus a home and family to go to on release. He had been running a teashop in the compound of his house itself before the case, and his mother expressed her willingness to help him to resume the trade on his release. He has got friends and relations who are in a position to influence him for good and the atmosphere and the home surroundings appear to be congenial for his leading a useful and peaceful life.

INSPECTOR GENERAL OF PRISONS 29 NOV 1954 MADRAS

copy /

Endorsement No.74/P-1/54. Office of the Chief Probation Superintendent, Madras-1, Dated 27th November, 54.

Copy submitted to the Inspector-General of Prisons Madras with reference to his endorsement No.3910/S4/54 (3) dated 4-10-54.

FOR CHIEF PROBATION SUPERINTENDENT.

ku/27-11.

C.No.8083/D1/54.

District Intelligence Bureau,
Malabar, Kozhikode, D/3-12-1954

To

The Collector of Malabar,
Kozhikode.

Sir,

PRISONERS- Premature release of convict No.7266 Velayudhan Nair,
From the Inspr. Genl. of prisons, Madras No.3910/S4/54(5)
dated 4-10-1954.

.....

The people of the locality have no ill feeling towards him in case of his premature release.

The victim who suffered at his hands has no relations in the village.

His life may be safe.

There was nothing against him considering his antecedents prior to this incident.

He killed a motor driver when he (the deceased) approached his sister for immoral purpose.

He has no property of his own. His sister's husband Thannikka Madhavan Nair, Thrikkalangode is solvent and is willing to stand suret for Rs.500/-

His premature release is recommended.

Encl.

For Dist. Supdt. of Pol
Malabar.

Copy to the InspecrorGeneral of Prisons, Madras.

Vengayyalu.

12

S.R.B. 82 (c)—28,76,506—20-1-54.

Jail Department

From (Name) Sri T S Ramachandran ICS

Designation Inspector General of Prisons

Station Madras.

12 DEC 1954

Received ——— Registered ———

To

The Secretary to Government
Home Department
Madras.9

Enclosure(s) No. 3910/S4/54 dated 11-12-54. 195

Sir,

Sub: Remission of sentence - Central Jail Cannanore - C.No. 7266 Velayuthan Nair - Report of the Additional District Magistrate(In) submitted.

ref: 1. Home Department Memo No. 124547 A Cts IV/54-1 Dated 28-9-54
2. Correspondence resting with this office letter No.3910/S4/54 Dated 7-12-54.

161147/1312 p5 above

In continuation of my letter cited I submit herewith the report p22 below of the Additional District Magistrate (Independent) Malabar relating to the above prisoner.

Enclos. 2
k/p/11-12

Inspector General of Prisons.

2

Special

S. 1696

W. Ref. D7. 8799/M.54

D7/1383

Forwarded to the Dt. Superintendent of Police, Kozhikode for urgent Report on an Advisory Board Case. A Copy of the nominal roll, a Copy of the Advisory Board working Sheet and Copies of Judgements of the Lower and the Hibeellate Courts relating to the Prisoner may please be obtained from the Superintendent, Central Jail Cannanore and Sent.

For Addl. Dt. Magistrate (D)

14-10-54.

210/Pol/54

Typ. M. for immediate report as per the attached questionaire.

209/M1/54

20/10/54

14/10/54

20/10/54

666/Pol/54

Sd/-

for Compliance.

TCH 18/10

C.No.2101/D1/54.

District Intelligence Bureau,
Malabar, Kozhikode, D/3-12-1954.

To

The Collector of Malabar,
KOZHIKODE.

Sir,

PRISONERS- Remission of sentence, Central Jail, Cannanore- Convict No.7266 Velayudhan Nair.
Your N.Ref.D7.8797/M/54 dated 14-10-1954.

.....

There will not be any adverse reaction if the prisoner is released prematurely

The relations of the victim have no ill feeling towards him.

His life may be safe.

There was nothing against him considering his antecedents prior to this incident.

He has no property of his own.

The prisoner's mother is solvent to the extent of Rs.1000/- and he may be ordered to furnish a surety ~~for~~ of Rs.500/- in case of his premature release.

His premature release is recommended.

Encl.

For Dist. Supdt. of Police,
Malabar.

3/12

URGENT.

L. Dis 9797/14;54.

Forwarded to the Inspector General of Prisons Madras

2/ Recommend.

Addl. DI. Narasimhaiah
7-12-54

Gm
7.12

Home Dept.

C. no. 124547-A. ch iv/54

G.O.R. no. 3894 d. 30.12.54

Prisoners - Remission of sentence - Central Jail, Cannanore. Convict no. 7266, Melepanoth Velayudhan Nair - Petition Rejected.

Read: Petition from Smt. C. Parakutty Amma d. 14.9.54.

From the I.G. of Prisons, Madras nos. 3960/54/54 d. 7.12.54 and 11.12.54

Order:

The Govt decline to interfere with the sentence passed on the prisoner mentioned above.

The connected records are returned to the I.G. of Prisons, Madras.

(F)

By Order,

Jo.

To

Smt. C. Parakutty Amma,
Melepanoth House, Karikad Desom,
Trikkalangode Amsom,
-do- P.O. via Mangeri.

The I.G. of Prisons, Madras.
(with records at (B) returned)

502—29-8-58.

HOME DEPARTMENT.

G. No. 124547-Acts IV/54.

~~PETITION FROM CONVICT.~~

PETITION ON BEHALF OF CONVICT.

Prisoners- Remission of Sentence. Central Jail, Cannanore- Convict no. 7266, Melepanoth Velayudhan Nair

Petition from Smt. C. Parakutty Amma. d. 14.9.54.

From the Inspector-General of Prisons, No. S. 3960/54/54 dated 7.12.54 and 11.12.54 submitting an ~~application for remission of sentence from/on~~ ~~on behalf of~~ Convict No. ~~confined in~~

	Name of Convict	Melepanoth 7266/Velayudhan Nair.
	Offence of which convicted	Section 302 I.P.C.
	Adjudicating Court	Sessions Judge, South Malabar. S.C. no. 55/47
	Sentence imposed	Death subject to confirmation by the High Court
	Date of sentence	22.12.1947
	Appellate Court	High Court, Madras R.T. no. 13/48 C.A. no. 31/48.
	Result of appeal	Death sentence reduced to transportation for life 16.3.1948.
	Previous convictions	—
	Date of completion of ~~3/4ths or 2~~/3rds of sentence.	29.10.1958.
	Period spent in Jail	7 years

From 22-12-47

12 12477-A

The prisoner was sentenced to death on 22.11.47 [illegible]
for having murdered one Ramunni Nair on para 1 of
29.8.47. On appeal, the High Court reduced the
sentence of death to one of transportation for life. p. 1 ... 5
The case is set out in para 2 of the Sessions
Judgment at pp 1-2 of (B).

2. The petitioner has stated that her husband died
while the prisoner her son was young and that there is p 1 cf
none to look after the family other than her son.
She has requested that the prisoner may be released
prematurely as he has remained in jail for more
than seven years

3. The prisoner is aged 26 years and was a p 2 cf
merchant prior to conviction. He has remained in
jail for 7 years and the unexpired portion of
sentence is 8 years. He will be completing 2/3rd
sentence on 29.10.1958. The D.S.P and the collector
of Malabar have no objection to the premature release
of the prisoner. The I.G. of Prisons also recommends
release for the reasons given in para 8 of his
letter at p 5 cf.

For orders.

18/12/54.

The prisoner is due for release under
the Adv. Bd scheme only on 29.10.58.
The I.G has obtained remarks of DM & DSP as for recommendation the Adv. Bd
scheme. It is probable
that the DM & DSP would not have
recommended release if they had known
that this case was not ripe for consideration
by the Adv Board. This case and the case where
the I.G. has commented on
the judgments of the Sessions judge & High Court
There seems to be no need to
consider the case on the assumption that the
Courts were wrong in convicting the prisoner
of murder. He need not be released
His case may be considered by the
Adv Board in due course.

45/54.C2

The case of the prisoner as not yet ripe for consideration under the Advisory Board Scheme. The reasoning of the I. G. based upon a construction of the decision of the Courts does not appear proper and in any event is no justification for taking the case of the prisoner out of turn. The reasons advanced on the petition do not appear relevant on the question of remission of sentence. Hence the case of the prisoner can wait for consideration by the Advisory Board on the normal course.

H.
24 Dec 54.

Draft put up

L Dey 27/12/54 28.12.54

PJ 28/12/54

All these cases can be placed on the file in which the reasons addressed by DV PP 28/12

that should be recorded by

* Issued as G.I.O.C. No. 3894 dated 30-12-54